

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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DOUGLAS J. HORN and CINDY HORN,

Civil Action No. 15-cv-701
(FPG)

Plaintiffs,

-against-

NOTICE OF MOTION

MEDICAL MARIJUANA, INC.;
DIXIE ELIXIRS AND EDIBLES;
RED DICE HOLDINGS, LLC; and
DIXIE BOTANICALS

Defendants.
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PLEASE TAKE NOTICE that upon the Declaration of Jeffrey Benjamin, Esq. dated July 5, 2021, and the Exhibits attached thereto, and upon all of the papers and proceedings heretofore had herein, Plaintiff by his counsel will move this Court before the Hon. Jonathan Feldman, United States Magistrate Judge at the U.S. Courthouse, 2 Niagara Square, Buffalo, New York 14202 for an Order pursuant to Fed. R. Civ. P. 43 and 45 (i) directing that Defendants' party officers, Tripp Keber, Chuck Smith and Michelle Sides appear for trial and testify before this Court via contemporaneous video transmission; and (ii) granting Plaintiff leave to serve trial subpoenas on Tripp Keber and Chuck Smith by alternative means including substituted service, overnight courier, certified mail, email, social media post and/or any other method directed by the Court; and (iii) such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Court Rules, answering/reply affidavits, if any, are required served to the undersigned within fourteen (14) days.

Dated: July 5, 2021
New York, New York

Yours, etc.,

THE LINDEN LAW GROUP, P.C.

Jeffrey Benjamin

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